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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,544	11/09/2001	Petter Karlsson	040080-164	5848

7590

10/20/2004

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EXAMINER
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PRONE, JASON D

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/986,544

Applicant(s)

KARLSSON ET AL.

Examiner

Jason Prone

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION*****Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "fiber cutter" of claim 1, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. On page 2 lines 11-13, the phrase "the cutter comprises a fixture 2 and a handle 3 pivoted to the fixture 2 for pressing the fiber 1 towards mechanical tensioning, bending and nicking means (not shown) in the fixture 2 in order to cut the fiber 1" clearly states that the, not shown, mechanical tensioning, bending and nicking means are a vital part of the cutter. Therefore, without the mechanical tensioning, bending and nicking means shown in the Figure, the fiber cutter is not shown.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of

Art Unit: 3724

the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the fiber cutter equipped with the mechanical tensioning, bending and nicking means as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Art Unit: 3724

3. The drawings are objected to because the handle (3) and the fixture (2), for example, are represented as a line and a rectangle. The lack of the structure in the Figure makes the invention difficult to understand. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Specification***

4. The specification is objected to under 37 CFR 1.71, as being confusing and difficult to comprehend the invention and compare with prior art. For example, the following is not understood: It is unclear how the handle (3) and the fixture (2) perform a cutting action. It is unclear how the detector (12) determines if no snap off sound has

Art Unit: 3724

been generated and how the sensor (11) is presented with the info and stops the motor.

See the rejections under 35 USC § 112, first paragraph for more details

Applicant is required to submit an amendment that clarifies the disclosure so that the examiner may make a proper comparison of the invention with the prior art.

Applicant should be careful not to introduce any new matter into the disclosure (i.e., matter which is not supported by the disclosure as originally filed).

5. The disclosure is objected to because of the following informalities: The term "fiber" is spelled two different ways "fiber" and "fibre". One spelling should be chosen and made constant throughout the application. Also, the term "fiber" appears in the title and in the claims.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1-4 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

It is unclear what structure allows the handle and the fixture to act together as a cutter to perform the cutting motion. Since the handle is represented as a line (3) and

Art Unit: 3724

the fixture is represented as a rectangle (2), it is not clear what structure allows the fiber to be snapped off or what structures dictates the snapping.

On page 2 lines 10 and 16-17, the phrases "The fiber 1 is received in a fiber cutter, e. g. a known hand-operated cutter" and "the handle is operated by motor and not by hand" are contradictive to one another. It is not clear if the cutter is hand operated or motor operated.

On page 3 lines 12-23, it is unclear how the detector (12) detects "no snap off sound" and how sensor (11) receives this information and stops the motor (5). On page 3 line 12-14, the phrase "The detector 12 can comprise an amplifier and a band-pass filter (not shown) and is adapted to generate an output signal only upon a snap off sound relating to the snap off of the fiber 1." states that the detector (12) only outputs a signal when the snap off is heard, therefore it is not clear how the detector could detect nothing or the "no snap off sound". Also, it is unclear how sensor (11) is made aware of the "no snap off sound" that could not have been detected by the detector.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regards to claim 1, it is unclear what structure the fiber cutter incorporates and it performs a cutting movement. It is unclear what action being performed is designated as the cutting motion. Also, it is unclear how the "no fiber snap off" is detected when the

Art Unit: 3724

detector can only detect the "snap off sound". It is unclear what structure stops the cutting movement when the undetectable sound is detected.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1, 3, and 4 are rejected, as best understood, under 35 U.S.C. 103(a) as being unpatentable over Hakoun et al. in view of Frederick Jr. and Taitler. Hakoun et al. discloses the invention including a motor (Fig. 1, 12, 13\*, col. 3, lines 54, 55, 64-66) capable of operating a fiber cutter (17) but fails disclose a detector that is a microphone to detect the completion of the cut to effect the stop of the work piece cutting movement. Frederick Jr. teaches a detector that is a microphone to detect details of the cutting and adjust the velocity of the work piece cutting movement (col. 2, lines 53-59., col. 3, lines 6, 7., col. 3, lines 26-31 ', col. 5, lines 46-52). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have provided Hakoun et al. with a detector that is a microphone, as taught by Frederick Jr., for better automated cutting.

Taitler teaches a detector to detect the completion of the cut to effect the stop of the work piece cutting movement (col. 7, lines 49-57). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have



Art Unit: 3724

provided Hakoun et al. with a detector to detect the completion of the cut, as taught by Taitler for better automated cutting.

12. Claim 2 is rejected, as best understood under 35 U.S.C. 103(a) as being unpatentable over Hakoun et al. in view of Frederick Jr. and Taitler as applied to claim 1 above, and further in view of Bando (5,832,801). Hakoun et al., Frederick Jr., and Taitler disclose the invention but fails to disclose that the motor is a linear motor. '801 teaches a linear motor (abstract). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to provide Hakoun et al., Frederick Jr., and Taitler with a linear motor, as taught by '801, for improved motion control.

### ***Response to Arguments***

13. Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection. The rejection has been maintained based on the fact that the rejection is made as best understood.

### ***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is 703-605-4287. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 703-308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

Art Unit: 3724

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JP  
October 19, 2004



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